

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ESTATE OF JAMES OSCAR SMITH and
HEBREW HUSTLE, INC.,

Case No. 14-cv-2703 (WHP)(RLE)

Plaintiffs,

[28 U.S.C. § 1746]

v.

CASH MONEY RECORDS, INC.,
UNIVERSAL REPUBLIC RECORDS,
an unincorporated division of UMG
RECORDINGS, INC., UNIVERSAL
MUSIC GROUP DISTRIBUTION, CORP.,
EMI MUSIC PUBLISHING MANAGEMENT,
LLC, UNIVERSAL MUSIC-MGB NA, LLC,
WARNER/CHAPPELL MUSIC, INC.,
SONY/ATV MUSIC PUBLISHING, LLC,
AUBREY DRAKE GRAHAM p/k/a DRAKE,
MATTHEW JEHU SAMUELS p/k/a
BOI-1DA, JORDAN EVANS, APPLE, INC.,
and AMAZON DIGITAL SERVICES, INC.,

Defendants.

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ANTHONY MOTTA, declares as follows;

1. I am the attorney for plaintiffs. I make this declaration in support of plaintiffs' motion for summary judgment. I am fully familiar with the facts and circumstances set forth herein.

2. On November 26, 2014 I caused to have served upon Warner Music Group Inc./Atlantic Records/Rhino Entertainment Company a subpoena duces tecum seeking, in part, the license agreement from Atlantic Recording Corp. for the use of the sound recording of "Jimmy Smith Rap" as part of the sound recording entitled "Pound Cake/Paris Morton Music 2. Attached as Exhibit 2 is a true and correct copy of the license agreement I received in response to the subpoena. No other license agreement was received in response to the subpoena.

3. Attached as Exhibit 3 is a true and correct copy of the Complaint filed in this action.

4. Attached as Exhibit 4 is a true and correct copy of the Answers filed by defendants in response to the Complaint.

5. Attached as Exhibit 5 are true and correct copies of the Rule 26(a)(1) Initial disclosures served by all the defendants in this action. None list either Edward R. Grauer or Jeff Smarr as potential witnesses. None of the Defendants supplemented their initial disclosures pursuant to Rule 26(e) to add either Edward R. Grauer or Jeff Smarr as potential witnesses.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 20, 2015.

 s/ _____
Anthony Motta